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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,008	06/30/2000	Toshihiro Nakayama	P19355	9559

7055 7590 06/29/2004

GREENBLUM & BERNSTEIN, P.L.C.  
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RESTON, VA 20191

EXAMINER

YANG, RYAN R

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 06/29/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,008

Applicant(s)

NAKAYAMA, TOSHIHIRO

Examiner

Ryan R Yang

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-32 is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/21/2004 has been entered.

2. This action is responsive to communications: Amendment, filed on 5/21/2004. This action is final.

3. Claims 1-33 are pending in this application. Claims 1, 13, 32 and 33 are independent claims. In the Amendment, filed on 5/21/2004, claims 1, 13, 32 and 33 were amended, and claims 34-37 were cancelled.

This application claims foreign priority dated 7/02/1999.

4. The present title of the invention is "Image processing computer system for photogrammetric analytical measurement" as filed originally.

***Claim Rejections - 35 USC § 103***

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) and further in view of Davison et al. (6,647,146).

As per claim 1, Endoh et al, hereinafter Endoh, discloses an image processing computer system for a photogrammetric analytical measurement, said system comprising:

a monitor that displays a scene, said monitor including a picture display area and an editing-display area (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

a first monitor controller that selectively displays only one picture in each of at least two sets of pictures on said picture-display area of said scene (Figure 4 114 the Data movement determining section);

a second monitor controller that transfers a displayed picture from said picture-display area to said editing-display area and vice versa (Figure 4 114 the data movement determining section); and

a third monitor controller that visually displays a connection relationship between pictures displayed on said editing-display area of said scene (Figure 4 114 Link control unit).

Endoh discloses an image processing computer system. It is noted that Endoh does not explicitly disclose "wherein a set of pictures includes a plurality of pictures featuring a single photographing target located at a single target position, and wherein said image processing computer system is configured to produce a survey map by representing objects, in the displayed pictures that have the connection relationship, in a three-dimensional coordinate system that is based on the single target position", however, this is known in the art as taught by Davison et al., hereinafter Davison.

Davison discloses a method of creating a three-dimensional model of an object in which a plurality of pictures are displayed showing connection relationship (Figure 5- picture L1-L5 has connection relationship as L1-L5 in Figure 2) and the techniques described can be used in terrain mapping and surveying (column 50, line 66-67).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Davison into Endoh because discloses an image processing computer system and Davison discloses an imaging processing system using photogrammetry in order to generate a realistically three dimensional view of the object.

7. As per claim 2, Endoh and Davison demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses said picture-display area and said editing-display area is performed at a reduced size (see Figure 2).

8. As per claim 3, Endoh and Davison demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses a transfer-indicator that indicates a picture to be transferred from said picture-display area to said editing-display area and vice versa ("For example, the operation target search section 924 moves the cursor upon movement of a device, and performs reverse display of a file at the cursor position, or turns on an indicator near the file", column 22, line 29-32).

9. As per claim 7, Endoh and Davison demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses a connecting-strip is displayed on said editing-display area under control of said third monitor controller to

indicate said connection relationship between the pictures displayed on said editing-display area of said scene (Figure 36 1123).

10. As per claim 8, Endoh and Davison demonstrated all the elements as applied to the rejected claim 7, supra, and Endoh further discloses said connecting-strip is displayed as a strip connected between the centers of the two adjacent pictures at the back faces thereof (Figure 36 1123).

11. As per claim 9, Endoh and Davison demonstrated all the elements as applied to the rejected independent claim 1, supra, and Endoh further discloses a fourth monitor controller that moves a picture, transferred from said picture-display area to said editing-display area, from one location to another location on said editing-display area (Figure 114 Data movement determining controller).

12. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) and Davison as applied to claim 1 above and further in view of Kaplow et al. (4,202,041).

13. As per claim 4, Endoh and Davison demonstrated all the elements as applied to the rejected claim 3, supra.

Endoh and Davison disclose a method of displaying pictures. It is noted that Endoh and Davison do not explicitly disclose "a marker is displayed on said editing-display area under control of said second monitor controller to indicate a location, at which the picture is to be transferred from said picture-display area to said editing-display area, when said picture is indicated by said transfer-indicator", however, this is known in the art as taught by Kaplow et al., hereinafter Kaplow. Kaplow discloses a

display system where a marker is used to position a picture to be transferred (Figure 14).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Davison because Endoh and Davison discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

14. As per claim 5, Endoh, Davison and Kaplow demonstrated all the elements as applied to the rejected claim 4, supra, and Kaplow further discloses comprises a frame representing an outline of the picture to be transferred from said picture display area to said editing-display area (Figure 14 the outline).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Davison because Endoh and Davison disclose a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

15. As per claim 6, Endoh, Davison and Kaplow demonstrated all the elements as applied to the rejected claim 4, supra, and Kaplow further discloses said marker is movable under control of said second monitor controller in said editing-display area (since the marker is controllable by the keyboard it is movable).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh and Davison

because Endoh and Davison disclose a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

16. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) and Davison, and further in view of Mahoney et al. (5,659,639).

As per claims 10 and 11, Endoh and Davison demonstrated all the elements as applied to the rejected claim 9, *supra*.

Endoh and Davison disclose a method of displaying pictures with control unit to determine data movement. It is noted that Endoh and Davison do not explicitly disclose "a movement-indicator that indicates a picture to be moved on said editing-display area" and "a marker is displayed on said editing display area under control of said fourth monitor controller to indicate a location, at which the picture is to be moved, when said picture is indicated by said movement-indicator", however, this is known in the art as taught by Mahoney et al., hereinafter Mahoney. Mahoney discloses a image editing system in which movement-indicator are used to indicate movement of images (Figure 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh and Davison because Endoh and Davison disclose a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.



17. As per claim 12, Endoh, Davison and Mahoney demonstrated all the elements as applied to the rejected dependent claim 11, supra, and Mahoney further discloses said marker comprises a frame representing an outline of the picture to be moved on said editing-display area (Figure 4 where image A and B have frames).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh and Davison because Endoh and Davison disclose a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

### ***Response to Arguments***

18. Applicant's arguments with respect to claims 1-12 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Inquiries***

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

Art Unit: 2672

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

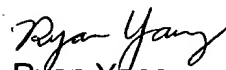
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-47000377.

  
Ryan Yang  
June 24, 2004